

**ORDINANCE AMENDMENT REVIEW SHEET**

**Amendment:** C20-2012-020 Waterfront Overlay

**Description:** Consider an amendment to amend Chapter 25-2 of the City Code to modify regulations of the Waterfront Overlay District - Auditorium Shores and Butler Shores Subdistricts.

**Proposed Language:** To amend primary and secondary setbacks of the Auditorium Shores Subdistrict of the Waterfront Overlay. This adjustment would remove the property at 1210 Barton Springs Road from the secondary setback, and extend the primary setback to cover the entire City of Austin Pitch and Putt at 1201 W. Riverside Drive. See attached draft ordinance.

**Staff Recommendation:** Staff recommends this amendment.

**Background:** Initiated by Planning Commission on October 23, 2012

In 2012 the owner of a 0.73-acre tract at 1210 Barton Springs Roads (subject property) requested that the City of Austin adjust a portion of the existing boundary line between the Butler Shores Subdistrict and the Auditorium Shores Subdistrict of the Waterfront Overlay, in order to change the entitlements of said property. Currently, Jack & Adam's Bike Shop is located on the property, which was acquired by the owner, Bicycle Shop Building LP, in 2006. The existing improvements on the property (a former fast food building and parking lot) are considered nonconforming, as they were permitted and constructed in 1984, prior to the adoption of the Waterfront Overlay development standards. Regulations now restrict the allowable uses on the site, and the owner, who is considering selling the property, is concerned that the limited land uses currently permitted within the Auditorium Shores Subdistrict will impact the value and marketability of the tract. The subject property is located entirely within the secondary setback of the Auditorium Shores Subdistrict (and is the only commercial property subject to those conditions), and Section 25-2-692(G)(2) of the City of Austin Land Development Code stipulates that uses within this setback are limited to cultural services, day care services, park and recreation services, food sales and restaurants (without drive-throughs). Further, impervious cover may not exceed 30 percent. The current zoning of the property is CS-V and CS-1.

The property owner initially contended that it would be more appropriate for the subject tract to be placed within the Butler Shores Subdistrict, with the Union Pacific railroad tracks creating a significant line of demarcation between the primarily commercial uses of the South Lamar/Barton Springs Road intersection, and the parkland and civic uses that are more typical of the Auditorium Shores Subdistrict. Staff agreed with this assessment, and more so the need to adjust regulations such that the subject property be treated in a similar fashion to adjacent commercial properties that are also within Auditorium Shores Subdistrict.

The Waterfront Planning Advisory Board and Planning Commission, after hearing and discussing this item, made different recommendations to address the issue (see below). Staff supports the Planning Commission recommendation to adjust the primary and secondary setbacks of the Auditorium Shores Subdistrict, such that the subject property is removed from the secondary setback, and the primary setback is extended to cover the entire City of Austin Pitch and Putt (immediately north of the subject property). This recommendation ensures that the subject property is treated in a similar fashion to adjacent commercial properties in the Auditorium Shores Subdistrict, and also ensures that the City of Austin Pitch and Putt remains covered by the primary setback.

**The proposed change would have the following impacts:**

**USES:** The subject tract (1210 Barton Springs Road) would no longer be limited to the uses per the secondary setback regulations of the Auditorium Shores Subdistrict (cultural services, day care services, park and recreation services, food sales and restaurant without drive-throughs). It would be allowed uses per its current zoning, which is CS-V and CS-1.

**IMPERVIOUS COVER:** The subject tract (1210 Barton Springs Road) would no longer be limited to the impervious cover restriction of the Auditorium Shores Subdistrict (30% maximum). It would be allowed impervious cover per its current zoning (95% maximum). Existing impervious cover on the site is approximately 85%.

**HEIGHT:** No change. The subject tract (1210 Barton Springs Road) is currently limited to 60 feet (lower of 60 feet or the maximum height allowed in the base zoning district) per the secondary setback regulations of the Auditorium Shores Subdistrict. If removed from the secondary setback, it would be allowed a maximum height per its current zoning, which is also 60 feet.

**Board and Commission Actions**

**Waterfront Planning Advisory Board** – Discussed the item on March 11, 2013, and made a motion to:

#1 – On a motion by Chair Bailey, and a second by Mr. Mann, the Board voted 5-0-2 not to revise the existing boundary line between the Auditorium Shores and the Butler Shore Subdistricts.

#2 – On a motion by Chair Bailey, and a second by Vice-Chair Pilgrim, the Board voted 5-0-2 to (a) expand the allowable land uses on the 0.73-acre Jack & Adam's Bike Shop property at 1210 Barton Springs Road to include those uses permitted within the CS base district, with some exceptions, and (b) to increase the maximum allowable impervious cover on the subject site to 60 percent. All other regulations of Division 7 Waterfront Overlay District and Subdistrict Uses will remain applicable.

**Planning Commission Subcommittee on Codes and Ordinances** – Discussed the item on March 19, 2013. Voted to forward to the full Planning Commission without a recommendation. Vote: 5-0.

**Planning Commission** – Voted to recommend approval of this item on March 26, 2013. Vote: 9-0.

**Council Action**

**City Council** – A public hearing at City Council has been set for April 25, 2013.

**Ordinance Number:** NA

**City Staff:** Greg Dutton

**Phone:** 974-3509

**Email:** greg.dutton@austintexas.gov